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FEE TRANSMITTAL
For FY 2005
Effective 12/08/2004. Fee pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

Complete if known	
Application Number	10/076,230
Filing Date	February 14, 2002 .
First Named Inventor	Jack L. Auflick et al.
Examiner Name	Andrew C. Flanders
Art Unit	2644
Attorney Docket No.	201-0924(15842)

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT   ($ 500.00   )

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):_____

☒ Deposit Account: Deposit Acct. Number:_____ **06-1500**_____ Deposit Acct. Name: **Visteon Global Technologies, Inc.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17

☐ Credit any overpayments
☐ Charge fee(s) indicated below, **except the filing fee** to the above-identified deposit

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FEE CALCULATION
1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid ($)
	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims   Extra Claims   Fee ($)   Fee Paid ($)   **Multiple Dependent Claims**
_____ - 20 or HP = _____ x _____ = _____   Fee($)   Fee Paid ($)
HP = highest number of total claims paid for, if greater than 20   _____   _____
Indep. Claims   Extra Claims   Fee ($)   Fee Paid ($)
_____ - 3 or HP = _____ x _____ = _____
HP = highest number of total claims paid for, if greater than 3

3. APPLICATION SIZE FEE
If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets   Extra Sheets   Number of each additional 50 or fraction thereof   Fee ($)   Fee Paid ($)
_____ - 100 =   _____ / 50 =   _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)
Non-English Specification, $130 fee (no small entity discount)
Other: 1402/Brief on Appeal Fee - $500.00

SUBMITTED BY				(Complete (if applicable)
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Signature	*Mark L. Mollon*		Date	February 6, 2006

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jack L. Auflick et al	) Group Art Unit: 2644
	)
Serial No.: 10/076,230	) Confirmation No.: 1020
	)
Filed: 2/14/2002	) Examiner: Andrew C. Flanders
	)
For: Track Access Management For Large	) Attorney Docket: 201-0924(15842)
Playlists In A Vehicular Multimedia	)
Player	)

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APPELLANT'S BRIEF ON APPEAL

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the final rejection of the Examiner dated September 21, 2005, rejecting claims 1-10 and 12-14.

REAL PARTY IN INTEREST

The real party in interest in the present appeal is Visteon Global Technologies, Inc., assignee of the entire right, title, and interest in the present application.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

The status of the claims is as follows:

Claims allowed: none.

Claims objected to: none.

Claims rejected: 1-10 and 12-14.

Claims withdrawn: none.

The claims being appealed are: 1-10 and 12-14.

STATUS OF AMENDMENTS

The amendment after final filed on October 19, 2005, included only a Remarks section. All claim amendments submitted by Applicant have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a multimedia audio player having dual access modes for navigating between track selections contained within a playlist of the type containing a large library of mp3 files (specification page 1, lines 19-38). An audio player must provide an interface by which the user can select a desired track from the playlist. In mobile applications (e.g., an automotive entertainment system), the number

of user controls and/or display sizes may be limited. Due to the large number of selections that may be in a particular playlist, the user must be able to rapidly move within the playlist. However, ways have been lacking for fast, simple, and efficient navigation among selections using an uncomplicated interface having only a small number of push buttons and a display having a low number of character spaces which are insufficient to show a track title or other recognizable information (page 2, lines 8-20).

The present invention provides direct access to selections (e.g., songs) within a playlist. The playlist may comprise any ordered (e.g., numbered) listing of files (page 5, lines 30-33). According to the method recited in claim 1, a method is provided for organizing digital audio tracks on a predetermined media for navigation and selection by a user of an audio player. Due to display and control limitations of the mobile (e.g. vehicular) media player, two alternative display modes are employed (page 6, 11-13). Selecting of tracks can be done in a flat file mode or a directory mode. In the flat file mode, the audio player displays flat-file selection numbers and the user searches for a desired digital audio track by sequentially navigating through the flat-file selection numbers (page 6, lines 13-19). Figure 1 shows a 4-character display of an audio player displaying a flat-file selection number T001. Figure 6 illustrates the changing display as the user presses navigation buttons on the player (e.g., scrolling the display up to the next file T002 in flat-file mode). In directory mode, the audio player displays a directory number and an in-directory selection number (such as 01-02 shown in Figure 6 which indicates the second track in the first directory). The user selects a desired directory and then searches for a desired digital audio track by sequentially navigating through in-directory selection numbers (page 6, lines 20-28).

Independent claim 9 recites an audio player having an alphanumeric display (page 4, lines 22-29) and a controller (page 5, lines 11-14) for causing the display to show a flat-file selection number when in a flat file mode (page 6, lines 14-19) and for causing the display to show a directory number and an in-directory selection number when in a

directory mode (page 6, lines 20-28). Thus, the controller provides operation in a manner consistent with the limitations of claim 1. In addition, the controller scans the predetermined media to locate each of the digital audio tracks and to determine a total number of tracks (page 6, lines 29-35), for numbering the digital audio tracks with a flat-file selection number from a first flat-file selection number to a last flat-file selection number in the flat file mode, for numbering each directory within the file system containing at least one of the digital audio tracks from a first directory number to a last directory number in the directory mode, for numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in-directory selection number to a respective last in-directory selection number, for causing the display to show the flat-file selection number when in the flat file mode, and for causing the display to show the directory number and the in-directory selection number when in the directory mode (page 6, lines 35, to page 7, line 20).

None of the claims contain either a means plus function or a step plus function element.

GROUNDS OF REJECTION TO BE REVIEWED

1. Whether claims 1-10 and 12-14 are unpatentable under 35 U.S.C. §103(a) as being unpatentable over Real Jukebox Plus Manual ("*Real*") in view of Seo et al.

ARGUMENT

Rejection of Claims 1-10 and 12-14 under 35 USC 103(a)

Claims 1-8

Claim 1 recites a method of organizing digital audio tracks on a predetermined media for navigation and selection by a user of an audio player. Selecting of tracks can

be done in a flat file mode or a directory mode. In the flat file mode, the audio player displays flat-file selection numbers and the user searches for a desired digital audio track by sequentially navigating through the flat-file selection numbers. In directory mode, the audio player displays the directory numbers and the in-directory selection numbers. The user selects a desired directory and then searches for a desired digital audio track by sequentially navigating through in-directory selection numbers.

Real relates to a PC-based software system for manipulating, organizing, and reproducing music tracks. A full size, graphical display allows such information as track name, artist name, and genre to be displayed regardless of the type of operation being performed. Consequently, *Real* does not assign flat-file selection numbers, directory numbers, or in-directory selection numbers to any tracks and it does not utilize sequential navigation through such numbers. Taking these steps in *Real* would serve no useful purpose in the PC environment, which is the only environment in which *Real* can be used. The assignment of directory numbers in the present invention results from a collapsing of a multi-level directory structure into a single-level structure or directories for purposes of showing those directories according to the assigned numbers. *Real* fails to show any such directory numbers; nor would it obtain any advantage from such a numbering.

Seo is cited as allegedly showing flat-file selection numbers, directory numbers, and in-directory selection numbers, but the teachings in Seo fail to suggest the method steps recited in claim 1 considering them with all their limitations. Seo relates to generating a database of information relating to a plurality of tracks in order to support keyword searching to find a desired track. Keywords for searching can be title, composer, or genre (see, for example, paragraph [0052]). Since searching is accomplished by entering keywords, it is clear that Seo neither teaches nor suggests sequentially navigating through flat-file selection numbers or in-directory selection numbers as they are displayed to the user on a display.

In addition to the failure of the combined references to create the claimed

invention, there would be no motivation to combine the references. The rejection states that "one would have been motivated to do so to improve the speed of searching and playing." Assuming for the sake of argument that one skilled in the art would have made the database (used by Seo only in connection with internal computer searching processes) visible to a user who is looking for a particular track, making such numbering apparent to the user would not speed up their search to find the track because they can better identify the track based on the keywords rather than arbitrarily assigned numbers.

As recently reaffirmed by the CAFC in <u>Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.</u>, 04-1493 (2005), section 103 requires some suggestion or motivation, before the invention itself, to make the new combination. The present invention utilizes a dual mode numbering scheme for searching for tracks such that the numbers can be displayed using a display with only a few characters. The final rejection attempts to combine 1) a PC-based display of *Real* having a nearly unlimited number of characters with 2) an internal database file representation of Seo that is not seen by the user. Nothing in the prior art itself motivates such a combination. The rejection improperly attempts to use the invention as a roadmap to find its prior art components.

Since the final rejection fails to establish a prima facia case of obviousness, the rejection of claims 1-18 should be reversed.
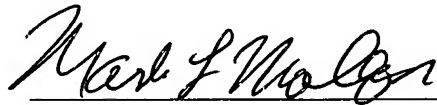

<u>Claims 9, 10, and 12-14</u>

Independent claim 9 is an apparatus claim for an audio system which performs all the operations recited in method claim 1. Since the same essential limitations are present, claims 9, 10, and 12-14 likewise allowable over the cited references for the same reasons as discussed above, and the final rejection should be reversed.

<u>CONCLUSION</u>

The final rejection has failed to establish a case of prima facie obviousness of any of claims 1-10 or 12-14. The prior art relied upon in the final rejection neither teaches nor suggests the structure or function of the present invention nor does it provide any teaching which can obtain the significant advantages which are achieved by the present invention. Accordingly, the rejection contained in the final rejection dated September 21, 2005, should be reversed.

Respectfully submitted,

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CLAIMS APPENDIX

Pending claims 1-10 and 12-14 now read as follows:

1. A method of organizing digital audio tracks on a predetermined media for navigation and selection by a user of an audio player, said predetermined media storing said digital audio tracks in a directory-based file system, said method comprising the steps of:

scanning said predetermined media to locate each of said digital audio tracks and to determine a total number of tracks;

numbering said digital audio tracks with a flat-file selection number from a first flat-file selection number to a last flat-file selection number in a flat file mode;

numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number in a single-level directory mode;

numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in-directory selection number to a respective last in-directory selection number;

said user selecting either said flat file mode or said directory mode;

when in said flat file mode, said audio player displaying said flat-file selection numbers and said user searching for a desired digital audio track by sequentially navigating through said flat-file selection numbers; and

when in said directory mode, said audio player displaying said directory numbers and said in-directory selection numbers and said user selecting a desired directory and then searching for a desired digital audio track by sequentially navigating through said in-directory selection numbers.

2. The method of claim 1 wherein said first flat-file selection number equals 1 and said last flat-file selection number equals said total number of tracks.

3. The method of claim 1 wherein said first in-directory selection number in each respective numbered directory is equal to 1.

4. The method of claim 3 wherein each respective last in-directory selection number is equal to a total number of said digital audio tracks contained within its respective directory.

5. The method of claim 1 wherein said scanning step is comprised of compiling and storing in an index table a respective flat-file selection number, a directory number, and an in-directory selection number assigned to each digital audio track found during said scanning.

6. The method of claim 1 wherein said digital audio tracks are identified by a respective file extension in their respective file names of said file system.

7. The method of claim 6 wherein said digital audio tracks are encoded as MP3 files.

8. The method of claim 1 wherein said predetermined media is comprised of a CD-ROM disc.

9. An audio player for reproducing selections from a predetermined media containing digital audio tracks stored in a directory-based file system, said audio player comprising:

an alphanumeric display showing selection number identifying data;

a user control interface for selecting either a flat-file mode or a directory mode and for navigating sequentially through said selection number identifying data in each of said modes; and

a controller for scanning said predetermined media to locate each of said digital audio tracks and to determine a total number of tracks, for numbering said digital audio tracks with a flat-file selection number from a first flat-file selection number to a last flat-file selection number in said flat file mode, for numbering each directory within said file system containing at least one of said digital audio tracks from a first directory number to a last directory number in said directory mode, for numbering digital audio tracks within each numbered directory with an in-directory selection number from a respective first in-directory selection number to a respective last in-directory selection number, for causing said display to show said flat-file selection number when in said flat file mode, and for causing said display to show said directory number and said in-directory selection number when in said directory mode;

wherein, when in said flat file mode, said controller is responsive to said user control interface for searching for a desired digital audio track by sequentially navigating through said flat-file selection numbers; and

wherein, when in said directory mode, said controller is responsive to said user control interface for selecting a desired directory and then for searching for a desired digital audio track by sequentially navigating through said in-directory selection numbers.

10. The audio player of claim 9 wherein said display further shows an indicator according to a one of said flat file mode or said directory mode that is selected at a particular time.

12. The audio player of claim 9 wherein said selection number identifying data for said directory mode is comprised of a directory number followed by an in-directory selection number.

13. The audio player of claim 9 wherein said display further shows a wait message during said scanning of said predetermined media.

14. The audio player of claim 9 further comprising:

an index table compiled during said scanning of said predetermined media for storing a respective flat-file selection number, a directory number, and an in-directory selection number assigned to each digital audio track found during said scanning.

EVIDENCE APPENDIX

No evidence has been submitted under 37 CFR §§1.130, §§1.131, §§1.132, or otherwise.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings and no corresponding decisions rendered.